

Florence, New Jersey 08518-2323
May 28, 2013

A regular meeting of the Florence Township Zoning Board of Adjustment was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Chairman Zekas called the meeting to order at 7:30 p.m. followed by a salute to the flag.

Secretary Taylor then read the following statement: "I would like to announce that this meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been provided to the official newspapers and posted in the main hall of the Municipal Complex."

Upon roll call the following members were found to be present:

Brett Buddenbaum	William Bott
Keith Crowell	John Groze
Larry Lutz	Candida Taylor
B. Michael Zekas	Lou Sovak

ABSENT: Anant Patel

ALSO PRESENT: Solicitor David Frank, Engineer Anthony LaRosa, Planner Barbara Fegley

APPLICATIONS

Application ZB#2013-02 for G. Christopher Pukenas. Applicant is requesting variance for off-street parking requirement spaces triggered by a change of use and a use variance to permit conversion from church multi-purpose building to single-family home at property located at 198 Alden Avenue, Roebling. Block 118, Lot 1.01.

Mr. Pukenas was sworn in by Solicitor Frank. Exhibit A-1 was submitted. It was an aerial photo of the neighborhood in question. Mr. Pukenas said there are no less than 11 duplexes. He would like to use an attached building and convert it to a single family residence. He said the use would conform to the surrounding neighborhood. He said very few of the properties have on-site parking. He said the building is church owned and has not been used for a few years. He does not believe it would be a good idea to use it for a business because it would not have the required parking and would increase traffic in the area. The neighborhood is mostly residential. He needs several bulk variances. The building is existing and he cannot do anything about the variances for it. He indicated a parking area that is church owned. Two of the spots are allocated to him. He feels this satisfies the parking requirement. He said he will renovate the building and bring it to a better condition. He feels it will be beneficial if he buys the building. Under Municipal Land Use Law as a vacant historic structure it will be rehabbed and upgraded. As far as negative criteria he said there is no substantial detriment to the public good and

it conforms to the existing make-up of the neighborhood. It is compatible with the present character of the neighborhood. He said there is ample parking in the area.

Member Bott confirmed that there are two allocated parking spaces. He wanted to know if there was parking available in front of the property. Mr. Pukenas said there is parking available on both sides of the street. Chairman Zekas inquired about a concrete pad in the rear of the property. It is to accommodate a grill or outdoor furniture. Member Bott wanted to know if there were going to be apartments. Mr. Pukenas said it will be a single family residence.

At this time Solicitor Frank swore in Joseph Bordas, a trustee of St. Nicholas Parish. Solicitor Frank inquired about the parking spaces and requested they be deed restricted. Mr. Bordas said he could not give an opinion on that, it would need to be directed to the parish's attorney. He said that for the last thirty years the church has been letting people use the lot for parking as long as there was not a church function occurring. Member Taylor asked if there would be signage for the two designated spaces. Mr. Bordas did not think signage was necessary. Mr. Pukenas said he does not really need the signs; he is willing to park elsewhere if the spots are taken. He does not feel parking is an issue in the neighborhood. Member Buddenbaum asked if the property is to be an investment property. Mr. Pukenas said he is not sure yet. He has a son in the military who may use the property when he comes home. Member Buddenbaum said the Board is trying to figure out a way of not running into the issue of someone coming home and not being able to park. Mr. Pukenas noted on his exhibit that there are many parking spots and he does not believe there would be an issue.

Gary Salaga, a trustee for the Parish, was sworn in by Solicitor Frank. Mr. Salaga noted that if the property was around either corner there would only be one parking spot in front of the house as far as Township on-street parking is concerned. Where this property is, there is about 250' of Township parking that no one uses. He does not understand why parking is an issue. Mr. Buddenbaum said the parking is not a big issue but if the spots are designated to the property it should be made clear. Member Taylor said the Board's responsibility is not necessarily to endorse the status quo, but if there is an opportunity to improve the situation it should be done. This is an opportunity to designate two parking spaces to a property and this would improve the area in terms of parking. It would give access to a home that didn't have designated parking. Mr. Salaga said he does not see it as improvement because there is no shortage of parking in the area. Member Bott said there is no need to provide the parking spots if there is plenty of parking in the area. He said it is irrelevant and the letter about the parking spots was irrelevant. Member Crowell said there are good points being made, but once something is brought to the table it is the Board's responsibility to address the issue. He confirmed that the property is going to be a single family home. He asked if there was any intention of at some point making it a multi-family dwelling. He was told it would remain a single family home.

Chairman Zekas said in the past there were applications for reuse in that area and parking always became an issue. Maybe there won't be a problem today, but there is the potential for a problem. Mr. Pukenas said if he had tenants he could limit the number of vehicles

allowed. Mr. Salaga said that even during mass there are spots available, so the designated spots would not have a big impact. Roland Street is two way with public parking on the street. Alden Avenue is a one way street. At the other end of Alden Avenue there is a parking problem, but not near the church property. Mr. Bott noted that he has never seen a parking problem during the day and he has been there frequently. Engineer LaRosa asked if anyone can park in the 20 spots at any time. Mr. Salaga said it is not posted as no parking. Some Board members expressed concern that designating spots could actually cause more problems than it will solve. Mr. Salaga said there has never been a dispute over parking. The only time the police have been called was when there was a vehicle parked in the lot for an extended period of time, and no one knew whose car it was.

Solicitor Frank said the issue arose because local ordinance and the residential site improvement standards require that there are two off street parking spaces for a residence to be at this site. It is within the authority of the Board to grant relief of that requirement for good cause.

Planner Fegley said before she went to the site she was curious that the ordinance said it should be single family residential dwelling but the testimony states most of the area is single family attached. She went to look and saw that there is no other on-site parking. She agrees with Mr. Bott's sentiments. Her only concern is the availability of parking if the church closes. If it is purchased the spots go with the property. Mr. Pukenas said there is still 250' feet of on-street parking. He asked if the Board deals with things that happen down the road. He said anything could happen down the road.

Solicitor Frank said in general the Board asks each property to stand on its own. By doing that the Board can inherently look forward into the future because they know they have dealt with the impacts of a particular property. The peculiar situation here that the Board could, perhaps, observe from the testimony is that it may be the case that the property can rely on the on-street parking as the other residents do. The Board could make a finding that the neighborhood is not relying on the church parking lot and there is ample parking in the area and the impact of this application would not change that. The letter and the dedication of the spaces could be ignored. On the other hand the Board could require the parking spaces. Mr. LaRosa said if the latter is chosen, he recommends not posting the spots and just deed them with the property to prevent the territorial issue. Solicitor Frank said the spots would need to be able to be moved if required by whoever owns the church property to keep future use flexible. Member Crowell said it will be a single family property, if at some point it changes to a multi-family dwelling it lends itself to the issues that are being dealt with on the lower half of the street not having space. Mr. Pukenas said he has no intention of changing the property from a single family home. Solicitor Frank noted that if any changes such as that were done it would need to be brought to the Board for approval. The Board members agreed to grant relief of the parking requirement.

Planner Fegley asked about interior modifications and entrances and exits. Exhibit A-2 was submitted. It was the proposed floor plan. Mr. Pukenas pointed out the rooms. It is a one story dwelling with a basement.

Engineer LaRosa reiterated what the bulk variances and requests for the application are. They are for the minimum lot area, minimum lot coverage, minimum lot width, minimum lot depth, minimum front yard, minimum rear yard minimum side yard and maximum building coverage. All of these are existing conditions. Solicitor Frank said there are two schools of thought among land use practitioners as to whether or not the board needs to grant variances for preexisting non-conforming conditions. He proposed to the board that it just acknowledge the existing conditions and observe that they are there, but not grant new variances. The variances before the Board this evening are the use variance to allow an attached single-family dwelling in a zone that only allows detached. It is interesting because what it is attached to is the Slovak Club. There needs to be a D-1 use variance to permit that use. The other variance is the variance from the standard that requires two parking spaces for a single family dwelling. These are the only new departures from ordinance standards proposed by the applicant as a part of this conversion. All the other things are preexisting non-conforming.

It was the Motion of Zekas, seconded by Crowell to open the meeting to the public regarding application ZB#2013-02.

Seeing no one wishing to be heard, it was the Motion of Crowell, seconded by Lutz to close the public session. All ayes.

Motion of Bott, seconded by Buddenbaum to approve Application ZB#2013-02.

Upon roll call the Board voted as follows:

YEAS: Buddenbaum, Bott, Crowell, Groze, Lutz, Taylor, Zekas

NOES: None

ABSENT: Patel

Application ZB#2013-04 for Anthony J. Martinez. Applicant is requesting bulk variance for impervious coverage to permit construction of an in-ground pool on property located at 128 Fairbrook Drive, Florence Township. Block 166.11, Lot 39.

Anthony Martinez was sworn in by Solicitor Frank. He explained that he is applying for approval for a swimming pool. He provided photos of the property that were entered as A-1 through A-6. A-7 through A-9 were aerial views of the property. He showed a view from his deck looking to the back of the property. Another showed a similar view showing a current concrete slab that will be removed. The next is from the wood line looking back at his property. Other photos showed different views of his back yard. Chairman Zekas inquired about the concrete pad. It was confirmed that it is being removed. The previous owner had a hot tub on it. Chairman Zekas asked the size of the pool. Mr. Martinez said the pool itself is about 850 square feet. The patio is represented in two drawings. It is a concrete paver patio. There will also be a retaining wall because

at this time both of his neighbor's properties drain into his. He is going to flatten the property out and provide adequate drainage on each side of the property lines. He is going to install a box drain and send the water out to the back of his property. There will also be a drain in the pavers. He does have a contract with the paving vendor detailing the drainage work being done. He said his property backs to a wooded area, there are no other properties behind him. Chairman Zekas noticed that none of the immediate neighbors in the photos had pools. He asked if there are other pools in the area. Mr. Martinez said there are many other pools in the community. Mr. Crowell said the biggest issue with this kind of application is the drainage. As long as the drainage plan is accepted by the professionals there should be no problem.

Engineer LaRosa said he has not seen the drainage plan but noted that on one side the property is high and everything is coming down into a swale area from front to back and side to side. He thinks putting the retaining wall is like damming all the water. He said the best way to provide drainage is to grade naturally and try not to use all the drains. If the property owner is not home and things back up it could cause a problem. Mr. Martinez said his contractor explained they will naturally grade all the water in the direction it is going now but the problem from the neighbor's property required a drain. He wants to decrease the amount of water introduced in the area. Engineer LaRosa would like to see the drainage plan. He thinks his review should be part of the approval, for the applicant's protection. In photo A-3 the high area is apparent. Mr. Martinez said it will be leveled out. He indicated where the box drain will be installed. The water will be directed to the back. Member Crowell does not see a problem with the application. He believes the lot is larger than most of the lots in the subdivision.

Engineer LaRosa said his biggest issues with the application were the grading and the drainage. He said there is an existing 19 percent impervious coverage, and he was not aware the patio being installed was pavers. These are considered pervious. He figured there is 33.4 percent coverage; the maximum is 25 percent coverage. Engineer LaRosa refigured the coverage area and thinks it is right around 25 percent. After the numbers were refigured it was determined the application is under the impervious coverage because the pavers were originally figured into the impervious coverage totals. There is no longer a requirement for a variance. The concrete slab and a small shed are also being removed.

Solicitor Frank stressed the importance of a grading plan review. He would like Engineer LaRosa to review the plan because he is familiar with it. A finding could be made that based upon the recommendation of the Engineer and the testimony of the applicant that all the areas are pavers, and not concrete or some other impervious coverage, there is no variance needed.

Motion of Zekas, seconded by Buddenbaum to open the meeting to public comment on Application ZB#2013-04.

Seeing no one wishing to be heard it was the Motion of Crowell, seconded by Bott to close the public comments.

It was the Motion of Buddenbaum, seconded by Crowell to find that there is no need for a variance in this application.

Upon roll call the Board voted as follows:

YEAS: Buddenbaum, Bott, Crowell, Groze, Lutz, Taylor, Zekas

NOES: None

ABESENT: Patel

Application ZB#2013-05 for Rocco Gangone. Applicant is requesting a bulk variance to permit a second small ground mounted sign and free-standing flag pole on property located at 310-312 West Front Street, Florence. Block 35, Lots 5, 22 and 23.

Lorenzo Gangone was sworn in by Solicitor Frank. He explained that he wants a sign for the family business to show where the restaurant is located so people don't enter through the pizzeria part of the business. He submitted a photo with the location noted. He would like to have light shining on the sign from below. Solicitor Frank said the sign is within the County right-of-way. Mr. Gangone said he has received the required approvals from the County. Member Bott confirmed it will not block anyone leaving the parking lot. Planner Fegley said there is a sign at the location already. Mr. Gangone explained that the current sign is for the pizzeria; this sign is for the new restaurant. He said there is no sign for the restaurant. Planner Fegley did not realize it was a separate business. She inquired about the flag pole. Mr. Gangone said his father was thinking of putting in a flag pole so he decided to get the variance now rather than go through the process again. Planner Fegley asked what kind of flags would be flown. There would be an American flag and an Italian flag. He confirmed there would be no advertising flags.

Solicitor Frank said the Township can regulate very closely signs for businesses. A flag pole is entirely different because it is protected First Amendment speech. It must be regulated in a way that is minimal. It is important that the flag pole is only used for the kind of protected speech that is being discussed. Member Crowell asked if there was an ability to regulate the height of the pole and the size of the flags. He was told that is possible. Mr. Gangone said he does not know how tall the pole would be. The location is shown on the plan. The Board discussed the height of the pole. They agreed 20' would be a good height. The flags would be about 4' X 6'. The Board then agreed to make the maximum height 25' because there will be two flags on the pole. Member Crowell asked if the sign would be break-away. Mr. Gangone said it would be, it was required by the County.

Engineer LaRosa said he visited the site and does not see any problems. Planner Fegley did do a sight visit and said all of her concerns were addressed. Solicitor Frank said to be clear, there is one business, but there are two separate operations with different characters. There is single ownership and shared operations, so it is a second sign for the operation.

Chairman Zekas inquired about the ground-mounted lighting. He said they all seem to agree there will be some lighting. Planner Fegley recommended confirming with the County that the lighting is acceptable. Mr. Gangone concurred.

It was the Motion of Zekas, seconded by Buddenbaum to open the meeting to the public regarding ZB#2013-05.

Seeing no one wishing to be heard, it was the Motion of Bott, seconded by Groze to close the public hearing.

It was the Motion of Buddenbaum, seconded by Groze to approve Application ZB#2013-05.

Upon roll call, the Board voted as follows:

AYES: Bott, Buddenbaum, Crowell, Groze, Taylor, Lutz, Zekas

NOES: None

ABSENT: Patel

Application ZB#2013-06 Amy and Steve Muchowski. Applicant is requesting a bulk variance for impervious coverage to permit construction of an above-ground swimming pool on property located at 873 East Fifth Street, Florence. Block 149, Lot 14.

Mr. Muchowski was sworn in by Solicitor Frank. He said would like to get an above ground pool in his yard. He was told when he moved in that if he ever wanted a pool he would need a variance. He noted there is a water easement that runs on his property. He said that the wood deck and paver patio and the brick wall shown on the survey are all gone. The only thing left is the wood shed. He did install a paver patio but it is not included as impervious coverage. Engineer LaRosa said along the southern property line there is a 10' easement for the water. According to his calculations the pool will fit. Chairman Zekas confirmed that the setbacks are all okay; it is just the impervious coverage that is at issue. Engineer LaRosa said this is an existing undersized lot. The pool will bring the property to 32 percent impervious coverage where 25 percent is the maximum. Chairman Zekas noted that in this area pools are quite common. Mr. Muchowski noted that many of his neighbors have pools. Chairman Zekas inquired about decking for the pool. Mr. Muchowski said he intends to build a small deck for the pool. At this point the application was amended to add a deck of about 8' X 12'. The new impervious coverage was 33.5 percent.

Engineer LaRosa asked about the shed in the back of the property. Mr. Muchowski said it was existing. Engineer LaRosa said there is an encroachment on one side of the property. There is concrete that goes over the property line. He said it will need to be dealt with eventually. He wanted to make the applicant aware of it. It has no bearing on the application but it is on a plan that was signed by someone so he thought it would be prudent to note it. Member Crowell asked if the adjacent lots had any problems with water coming on to the applicant's property. Mr. Muchowski said there was not.

Member Crowell asked about the applicant's drainage. He said his property drains to an empty lot behind his property.

It was the Motion of Zekas, seconded by Bott to open the meeting to the public regarding Application ZB#2013-06.

Seeing no one wishing to be heard, it was the Motion of Crowell, seconded by Bott to close the public portion.

It was the Motion of Groze, seconded by Lutz to approve Application ZB#2013-06.

Upon roll call the Board voted as follows:

AYES: Buddenbaum, Bott, Crowell, Groze, Lutz, Taylor, Zekas
NOES: None
ABSENT: Patel

RESOLUTIONS

Resolution ZB-2013-07 granting a bulk variance to Marc and Julie Beaver for rear yard setback to permit the construction of a deck on property located at 40 Szypulski Lane, Florence. Block 156.07, Lot 4.

Motion was made and seconded to approve Resolution ZB-2013-07.

Upon roll call the Board voted as follows:

YEAS: Groze, Buddenbaum, Bott, Lutz, Taylor, Sovak
NOES: None
ABSENT: Patel

Resolution ZB-2013-08 granting bulk variances to David Trezza to permit construction of a garage on property located at 270 Wilbur Henry Drive, Florence. Block 67.01, Lots 3 and 5.02.

It was the Motion of Groze, seconded by Buddenbaum to approve Resolution ZB-2013-08.

Upon roll call the Board voted as follows:

YEAS: Taylor, Lutz, Bott, Buddenbaum, Groze, Sovak
NOES: None
ABSENT: Patel

MINUTES

It was the Motion of Groze, seconded by Bott to approve the minutes from the regular meeting of April 23, 2013. All ayes.

CORRESPONDENCE

None at this time.

OTHER BUSINESS

Chairman Zekas said he was driving in the Alden Avenue area and noticed the Reverend Pipes, who got a variance for a home on Norman Avenue, has not started construction. He said there is a large trailer and the property is terribly overgrown. The garage that was supposed to be torn down is still there. There are a bunch of steel studs and a camper. Construction Official Thomas Layou said he will look into it.

PUBLIC COMMENTS

There was no public present.

There being no further business, it was on the motion of Groze, seconded by Buddenbaum to adjourn the meeting at 9:17 pm.

Candida Taylor, Secretary

CT/aeK